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REMARKS

Claims 1-35 are all the claims pending in the application. Claims 6, 14, 21, 28 and 34 stand rejected upon informalities. Claims 1-35 stand rejected on prior art grounds. In addition, the title stands objected to. Applicants respectfully traverse these objections/rejections based on the following discussion.

I.   The 35 U.S.C. §112, Second Paragraph, Rejection

Claims 6, 14, 21, 28 and 34 stand rejected under 35 U.S.C. §112, second paragraph. More specifically, the Office Action asserts that the term "unaffected" is vague. Applicants respectfully disagree in that page 4, line 18-page 5, line 2 of the application explains that the invention is fundamentally different than conventional systems because the invention only modifies the request (and the response to the request) to accommodate the different instances of the server program. By modifying only the request and the response, the invention avoids the need to modify the server program, client program, or protocol.

Notwithstanding the foregoing comments, in order to speed prosecution and quickly remove this rejection, the term "unaffected" has been replaced with "not modified." While the Office Action suggests that the programs are not hindered by the method, Applicants submit that it is more accurate to describe that the programs are not modified by the method and the claims have been changed accordingly. Applicants further submit that these claim changes define the same feature simply using synonymous wording. Therefore, these claim changes do not narrow or broaden the scope of the invention, and it is not Applicants intention that the scope be narrowed in any way by these changes. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw this rejection.

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II.　The Prior Art Rejections

Claims 1-3, 5-12, 14-18, 20-25, 27-31 and 33-35 stand rejected under 35 U.S.C. §102(e) as being anticipated by Scholl et al. (hereinafter "Scholl").　Claims 4, 13, 19, 26, and 32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Scholl et al. in view of Rogers et al. (hereinafter "Rogers").　Applicants respectfully traverse these rejections based on the following discussion.

A.　The Rejection Based on Scholl

Applicants respectfully traverse this rejection because Scholl discloses a system that allows a client to access information from one of many managed networks, while the claimed invention presents a method of processing multiple instances of a server program based on a request from a client program utilizing a multiplexor.　Therefore, it is Applicants' position that Scholl is fundamentally different than the claimed invention and does not describe a similar or equivalent process as in the claimed invention.

More specifically, the preambles of independent claims 1, 8, 16, 23, and 30 similarly define methods, a multiplexor, and a program storage device that processses "a one-to-one request from a client program to multiple instances of a server program." As shown in Applicants' Figure 2A, the client program C 20 can communicate with n instances of the server program S1, Si, Sn 24 through the use of the multiplexor M 22 using protocol P 21. The multiplexor's client MC 25 supplies two additional inputs to the multiplexor, the fan-out and the operation op. The fan-out specifies the target servers from among all possible instances of the server program Si (from a possibly infinite number of instances), while the operation op determines how the results Rpi returned by each of the instances of the server program Si will be combined and made available to the client program C. The multiplexor uses this information to generate multiple instances of the request from the single original request sent by the client program. The servers will send back a response to the client program, either indicating an error

[handwritten annotation: schedlass object—similar to use of multiplexor]

[handwritten annotation: highlight combine]

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condition or successful execution, possibly returning some data. These responses are then modified and combined by the multiplexor to correspond to the instance of the client program (e.g., to the same format, version, data structure, etc. of the original request) so that the client program believes it is talking to a single server program in a one-to-one communication environment.

This is fundamentally different than what is being described in Scholl, because Scholl only directs a client request to a single server. More specifically, item 25 in Figure 6 illustrates that Scholl merely forwards the request to the appropriate network management proxy agent. Scholl does not generate instances of the request, and instead merely sends the request (or portion of the request) to the server that will supply the appropriate answer. Further, in column 7, line 58-column 8, line 14, Scholl explains that the request is parsed and translated with a programmable device, or a circuit device, into at least one network management request ("NMR"). The request is analyzed as to whether processing the request requires interaction with a managed network. If not, the request is processed locally; and if so, the request is forwarded to an appropriate network management proxy agent 25. After the forwarding step 25, the network management proxy agent determines whether the information is in the local database. If yes, the information is obtained therefrom; and if not the request is transmitted to a managed network by access protocols. Then network management information transmissions are received in response to each request from a managed network (and may be stored in the local database for future retrieval).

This clearly demonstrates that Scholl does not generate "a plurality of instances of said request using said multiplexor" (independent claims 1, 16, 23, and 30) or modify "said request to create multiple instances of said request" and transfer "said instances of said request to corresponding ones of said instances of said server program" (independent claim 8) as in the claimed invention.

While Scholl states that the request is analyzed as to whether processing the request requires interaction with one or more managed networks, this does not indicate that multiple instances of a certain request are transferred to different instances of a server program, as in the

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claimed invention. To the contrary, the system disclosed in Scholl merely determines which single managed network will contain information that responds to the request (or a portion of the request) and then makes that request (or portion of the request) to that given network. There is no disclosure in Scholl that would teach or suggest to one ordinarily skilled in the art to generate "a plurality of instances of said request" as in the claimed invention. Instead, Scholl merely requests that each managed networks retrieve its portion of the information needed to respond to the request.

Therefore, as shown above, Scholl discloses a system that allows a client to access information from one of many managed networks, while the claimed invention presents a method of processing multiple instances of a server program based on a request from a client program utilizing a multiplexor. Therefore, it is Applicants position that Scholl is fundamentally different than the claimed invention. Thus, Applicants submit that Scholl does not teach or suggest "generating a plurality of instances of said request using said multiplexor" (independent claims 1, 16, and 23) or "modifying said request to create multiple instances of said request" and "transferring said instances of said request to corresponding ones of said instances of said server program" (independent claim 8) as in the claimed invention. In view of the foregoing, Applicants submit that independent claims 1, 8, 16, 23, and 30 are not anticipated (or rendered obvious) by Scholl and are patentable. Further, dependent claims 2, 3, 5-7, 9-12, 14, 15, 17, 18, 20-22, 24, 25, 27-31, and 33-35 are similarly patentable, not only by virtue of their dependency from a patentable independent claim, but also by virtue of the additional features of the invention defined. In view the forgoing, the Examiner is respectfully requested to reconsider and withdraw this rejection.

B.   The Rejection Based on Scholl in view of Rogers

Rogers is referenced for the limited purpose of teaching specific operations that are performed on the response data including listing, adding, subsets, maximums, minimums, and averages. Rogers is not referenced (and does not teach or suggest) the inventive feature of

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processing multiple instances of a request to different instances of a server program as in the claimed invention (as explained above). Therefore, Rogers does not cure the deficiencies of Scholl discussed above with respect to independent claims 1, 8, 16, 23 and 30 and such independent claims are patentable over any combination of Scholl and Rogers. Thus, it is Applicants position that independent claims 1, 8, 16, 23, and 30 are patentable over the prior art of record. Further, dependent claims 4, 13, 19, 26, and 32 are similarly patentable, not only because they depend from a patentable independent claim, but also because of the additional features the dependent claims define. In view the foregoing, the Examiner is respectfully requested to reconsider and withdraw this rejection.

III. Formal Matters and Conclusion

In view of the foregoing, Applicants submit that claims 1-35, all the claims presently pending in the application, are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.
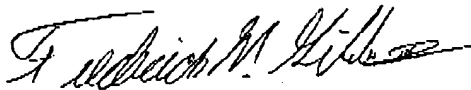
Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary.

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Please charge any deficiencies and credit any overpayments to Attorney's Deposit
Account Number 09-0441.

Respectfully submitted,

Dated: 12/5/03

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